



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

March 9, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND REGULAR MAIL

Resp-Org.com
Attn: Bill Quimby
2517 Rt 44, 11-222
Washington Hollow Plaza
Salt Point, NY 12578

Resp-Org.com c/o
Technology Law Group, LLC
Neil S. Ende, Counsel for Resp-Org.com
Susan E. Coleman, Counsel for Resp-Org.com
5335 Wisconsin Avenue
Washington, DC 20015

Re: File No. EB-10-TC-480

This is an official **CITATION**, issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the "Communications Act" or "Act"), 47 U.S.C. § 503(b)(5). Resp-Org.com is being cited for violations of the Act and Federal Communications Commission's ("FCC" or "Commission") rules for failure to fully respond to an Enforcement Bureau ("Bureau") inquiry to provide certain information and documents related to the Bureau's investigation into toll free number administration and non-compliance with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16. As explained below, future violations of the Act or Commission's rules in this regard may subject you to monetary forfeitures.

Sections 4(i), 4(j), and 403 of the Act afford the Commission broad authority to investigate the entities it regulates. Section 4(i) authorizes the Commission to "issue such orders, not inconsistent with this [Act], as may be necessary in the execution of its functions,"¹ and Section 4(j) states that "[t]he Commission may conduct its proceedings

¹ 47 U.S.C. § 154(i).

in such manner as will best conduce to the proper dispatch of business and to the ends of justice.”² Section 403 likewise grants the Commission “full authority and power at any time to institute an inquiry, on its own motion . . . concerning which any question may arise under any of the provisions of this [Act], or relating to the enforcement of any of the provisions of this” Act.³ The Commission delegated this authority to the Bureau in Sections 0.111(a)(16) and 0.311 of the Commission’s rules.⁴

On November 30, 2010 the Bureau sent a Letter of Inquiry (“LOI”) to Resp-Org.com directing it provide information and certain documentation in connection with its investigation into toll free number administration.⁵ The LOI serves as a legal order of the Commission to produce the requested information and any failure to fully respond by providing such information within the time and manner specified is a violation of the Communications Act and Commission rules.⁶ The original LOI response was due December 30, 2010. Resp-Org.com failed to respond by the filing deadline. By e-mail dated January 3, 2011 Mr. Bill Quimby on behalf of Resp-Org.com made a late-filed request for extension of time to respond. In his e-mail he stated that “I will respond fully and cooperate to the fullest extent possible and appreciate your consideration in this.” In light of Mr. Quimby’s willingness to cooperate and notwithstanding his late-filed request for extension, we granted Resp-Org.com a fourteen-day extension of time until January 24, 2011 to respond. On January 24, 2011 through counsel, Resp-Org.com called the Bureau and requested permission to file an e-mail response followed by the written and electronic response required by the LOI. We granted counsel’s request for the e-mail filing and gave Resp-Org.com a one-week extension of time to file the one paper and one CD/DVD electronic copy required by the LOI. On January 31, 2011, Resp-Org.com filed its paper and electronic copy response, however, it failed to fully respond to Questions 3, 6, 7, 10, and 11 as required by the LOI.⁷ In addition, Resp-Org.com failed to verify the veracity of its answers by providing a written sworn statement or declaration under penalty of perjury by an officer of Resp-Org.com in compliance with section 1.16 (47 C.F.R. § 1.16) of our rules attesting to the truth and accuracy of its responses to the LOI.⁸

² 47 U.S.C. § 154(j).

³ 47 U.S.C. § 403.

⁴ See 47 C.F.R. §§ 0.111(a)(16) and 0.311.

⁵ See Letter from Sharon Lee, Deputy Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission to Bill Quimby, Resp-Org.com (November 30, 2010).

⁶ See 47 U.S.C. § 403 (“The Commission shall have the same powers and authority to proceed with any inquiry . . . including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry [pertains].”).

⁷ Resp-Org.com’s gave varying cursory responses to each of the five questions; essentially challenging our jurisdiction to even ask the question or to require production of documents, arguing a response would be burdensome, and offering to meet with the Commission and then “responding, as appropriate. . . .” The Commission has specific authority under sections 1 and 403 of the Act to issue the LOI and require Resp-Org.com to provide information and documents relevant to its investigation. Thus, the Bureau was acting within its authority. Notwithstanding, “parties are required to comply with Bureau orders even if they believe them to be outside the Bureau’s authority.” See *Matter of 1st Source Information Specialists, Inc. d/b/a Locatell.com*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 8193, 8195 para. 9 (2006) (citing *SBC Communications, Inc.*, 17 FCC Rcd 7589, 7591 (2002)).

⁸ See 47 C.F.R. § 1.16 (“Any document to be filed with the Federal Communications Commission [must] be supported . . . by a written sworn declaration, verification, certificate, statement, oath or affidavit by the

Accordingly, the Bureau finds that Resp-Org.com has failed to respond fully to the LOI and to provide a sworn statement or declaration in violation of the Act and Commission rules.

Resp-Org.com is hereby directed again to provide full and complete responses to questions 3, 6, 7, 10, and 11 contained in the LOI served on Resp-Org.com on November 30, 2010. Further, Resp-Org.com is directed to provide the required supporting sworn statement or declaration under penalty of perjury by a corporate officer in compliance with section 1.16 (47 C.F.R. § 1.16) for Resp-Org.com's initial response dated January 24, 2011 and its response required pursuant to this Citation. Resp-Org.com must provide complete responses and the required certification no later than ten (10) calendar days from receipt of this Citation.

When filing its response and certification, Resp-Org.com should direct one (1) original hardcopy and one (1) CD/DVD electronic copy of its response to the attention of Richard A. Hindman, Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C224, Washington, D.C. 20554 and one (1) CD/DVD electronic copy of its response to Sharon Lee, Deputy Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-A222, Washington, D.C. 20554. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. The Company shall also, to the extent practicable, transmit a copy of the response via email to sharon.lee@fcc.gov and kimbarly.taylor@fcc.gov.

If, after receipt of this citation, Resp-Org.com violates the Communications Act or the Commission's rules in any manner described herein, including failure to comply with the Commission's order to provide responses to LOI questions 3, 6, 7, 10, and 11 and to submit a supporting affidavit in accordance with our rules, the Commission may impose monetary forfeitures not to exceed \$16,000 for each such violation or each day of a continuing violation, up to a maximum of \$112,500 for a continuing violation until cured.⁹ Resp-Org.com is reminded that failure to respond to a Commission order constitutes a continuing violation.¹⁰ In addition, the Commission may limit Resp-Org.com's "allocation of toll free numbers or...decertify it as a RespOrg under § 251(e)(1) or § 4(i)" of the Act."¹¹

You may request a personal interview at the Commission's Field Office nearest to your place of business or a teleconference interview with the Commission's Telecommunications Consumers Division in Washington, D.C. Any request for an

person making the same [or] may be supported...by the unsworn declaration, certification, verification, or statement in writing of such person [under penalty of perjury]").

⁹ See 47 C.F.R. § 1.80(b)(3).

¹⁰ See *Matter of 1st Source Information Specialists, Inc. d/b/a Locatocell.com*, 21 FCC Rcd at 8196-97 paras. 11-15.

¹¹ *In the Matter of Toll Free Service Access Codes*, CC Docket No. 95-155, Second Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 11162, 11184-85 para. 29 (1997).

interview, however, in no way alleviates your obligation to provide full and complete responses to each of the inquiries contained in Questions 3, 6, 7, 10, and 11 of the LOI and provide the required sworn statement or declaration within the time-frame provided for above.

If you would like to arrange a personal interview or teleconference, please contact Sharon Lee at (202) 418-7534.

Sharon Lee, Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 4-A222
Washington, D.C. 20554

Reference File No. EB-10-TC-480 when corresponding with the Commission.

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least 5 days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations: 202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty).

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Richard A. Hindman
Chief, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission